



RECEIVED

MAY 28 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

347 Madison Avenue
New York, NY 10017
Telephone: 212 340-3000

May 27, 1993

RECEIVED

MAY 28 1993

FCC MAIL BRANCH

Hon. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M. Street, N.W., Room 222
Washington, DC 20554

Re: Comments - Notice of Proposed Rulemaking
PR Docket No. 92-235

Dear Ms. Searcy:

Metro-North Commuter Railroad Company ("Metro-North") hereby submits an original and nine copies of its comments regarding the captioned Notice of Proposed Rulemaking.

Metro-North is the nation's second largest commuter railroad with over 200,000 daily customers and close to 800 passenger cars. It serves seven counties in New York State, including two in New York City, plus two counties in the State of Connecticut. The system is the backbone of public transportation for the northern portion of the New York City Metropolitan Region. Metro-North operates 737 miles of track and 119 passenger stations; annual ridership approaches fifty seven million. Metro-North operates on the Harlem, Hudson and New Haven Lines which radiate out of Grand Central Terminal in New York City and extend to Poughkeepsie, Dover Plains and New Haven, CT. It also operates three branch lines in the State of Connecticut extending to New Caanan, Danbury and Waterbury. Finally, Metro-North contracts with NJ Transit Rail Operations, Inc. for service between Hoboken, NJ and Spring Valley, NY and between Hoboken and Port Jervis, NY. The latter operation utilizes trackage owned by both NJ Transit and Conrail.

Goal

We believe that the intent of the proposed rulemaking, to increase channel capacity and promote more efficient use of the frequency spectrum, is laudable. Metro-North uses frequencies in the 160Mhz VHF range to contact its trains, police, and maintenance forces over a wide territory extending from midtown New York City in a sweep from New Haven to Poughkeepsie. The lack of additional available frequencies in this range has imposed severe constraints in our ability to efficiently communicate with our personnel. For

Members of the Board

Peter E. Stangl
Chairman and
Chief Executive Officer

Daniel T. Scannell
First Vice Chairman

Lilyan H. Affinito
Bernard B. Beal
E. Virgil Conway
Warren S. Dolny
Barry L. Feinstein

Barbara J. Fife
Sally Hernandez-Piner
Herbert J. Libert
Prema Mathai-Davis
Neil Novesky

Lucius J. Riccio
No. of Copies rec'd
List A B C D E
Alfred E. Werner

Donald N. Nelson
President

that reason, we strongly support efforts to increase channel capacity.

Concerns

Although we applaud goal of the proposal, we have several concerns that we believe the FCC should address before the new rulemaking is finalized. These concerns include the following:

♦ **Compatibility**

Metro-North uses Railroad Radio Service frequencies coordinated by the Association of American Railroads ("AAR"). These frequencies are used for Private Land Mobile Radio ("PLMR") services that are essential to the safety and efficiency of our passenger operations. Metro-North operates in close proximity to Consolidated Rail Corporation ("Conrail"), Amtrak, Springfield Terminal Railroad Company, Providence and Worcester Railroad and the Danbury Terminal Railroad Company. Each of those carriers uses various segments of Metro-North trackage in conducting their operations and Metro-North has trackage rights over certain portions of Conrail and Danbury Terminal. Metro-North also operates the Union Station at New Haven, Connecticut where Amtrak's Northeast Corridor trains from Springfield and Boston change from diesel to electric power and vice versa. Metro-North also interfaces at this location with the Shoreline East Commuter Service operated by Amtrak for the Connecticut Department of Transportation. The numerous junction points and joint trackage utilization in the Metro-North system make it essential that constant, uninterrupted radio communication be available for information on train movements so as to safeguard the lives of passengers and railroad personnel. It is essential that FCC adopt transitional migration policies that maintain communication ability between organizations sharing locations.

♦ **Coverage**

Metro-North has 120 base stations that are used to cover its territory. Any changes in technology should continue to maintain at least existing coverage. Improvements in coverage based upon technology improvements would be highly desirable.

♦ **Cost**

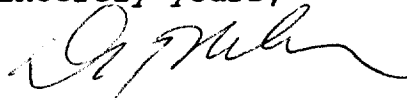
Metro-North presently has radios installed in over 700 existing passenger cars and locomotives, 600 radios on motor vehicles and track equipment, 1600 portable radios

as well as an extensive infrastructure of base stations. Premature replacement of this equipment would impose a cost of approximately \$10 million on the railroad. The FCC must provide sufficient time to amortize all existing equipment, thereby minimizing replacement costs.

Metro-North also has reviewed the comments filed by AAR and Conrail, which call attention to the critical safety role of the Railroad Radio Service, and strongly supports the maintenance of Railroad Radio Service with AAR as frequency coordinator.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'D. Nelson', with a long, sweeping horizontal flourish extending to the right.

Donald N. Nelson
President

wz.8.90/2